G. R. S. 58]

*Previous references.* 1894 ~~191~~ (Land Rec)

**File No.** d 7/94.

**Serial Nos.** 1.

*Later references.*

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1.

**Part B for** ~~April~~ December 1894

SUBJECT.

Notification regarding the disposal of unoccupied Govt. lands within half a mile radius of Railway Stations

Sl 1 Nt 9626-35 / 1/11/12/94. To D.C.'s of all Dts.
Cl. Rf 215-94
" Re Supdt. Rev. Survey
" S. Krishna Iyengar
" Comptr, Mysore & Coorg

Issues a notification in regard to the grant of land for horticultural purposes within a radius of half a mile from railway Stations.

GPE—10,000—25-8-15

Indexed. M. Narasimha Rao

Countersigned.

Bangalore
19th March

GOVERNMENT OF MYSORE

My dear Sir

The Dewan has read that recently some orders were issued regarding the reservation of lands near Railways. Will you kindly let us see them? We have to modify the Rev rules accordingly.

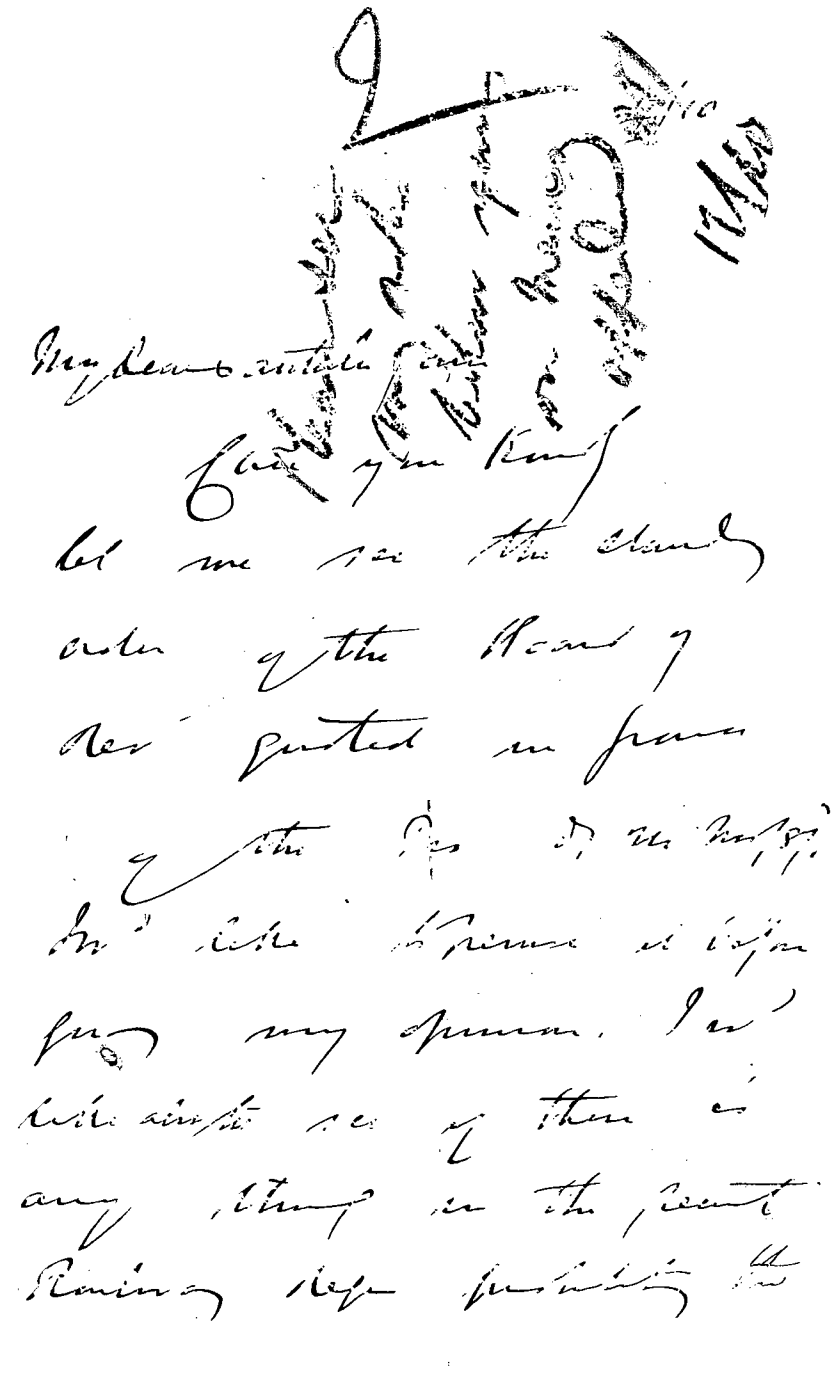
In the meantime for us to issue a report the Rev

Sales

The ones alluded to are herewith - They are three in number - The last (which is herewith not in MS) is being printed -

Rules with all the
modifications introduced
since the time they were
framed. I shall be
glad if you will kindly
arrange for it.

Yours very truly
P Chentsal Rao



Section
File No
Serial No

Note for the Dewan

With reference to a personal Conversation with the Dewan I sent for Govt. No. dated 4th August 1894, No. 247 in regard to my altering the Land Revenue rules. I gave the papers to Mr. Narayan Rizayar and lost sight of the matter. I am sorry for the delay.

2. I have no objection to that portion of the order which says that no land should be given in future within half a mile of a Railway station, without the sanction of Government.

3. The effect of the remaining portion of the order is to tell the Deputy Commissioners not to allow owners of lands within half a mile to build houses on their lands unless they are required strictly for agricultural purposes. I doubt both the legality and justice of this order.

but it will be for the Court to say whether the exclusion of evidence of value to the Defendant in this case is such as to call for the interference of this Court.

24/9/94

"Building purposes" means such purposes connected with and living the interests (the land) value" as defined Rev. Rule XXIII [illegible] illegal if regarded as a definition of "agricultural purposes" but as a guide to [illegible] Plaus Sec. 67. C. R. Cl. Buildings therein contemplated [illegible] alone in the allowed, but other buildings can be allowed only with the permission of the Govt. [illegible] has power to declare that in such cases the [illegible] between human [illegible] shall be taken [illegible] in the [illegible] taken & may be [illegible]

The prohibition of non-agricultural buildings within ½ mile of a Railway Station has for its justification higher grounds than saving of cost at a future possible acquisition.

26/9/94.

Agree the Deputy's order as absolute. I would however be glad to hear Mr Mellor's opinion, & letter if he agrees with me, we may agree with the Deputy to vacate order the matter

3/11/94

May I know what valley? Is it to same Rly for abstraction. [illegible]

I read L Rev Rule XXXIII clause 3 [illegible] "buildings, gardens and such other conveniences which are [illegible] to buildings and houses situated in agricultural [illegible] shall not include within the meaning of [illegible] in the order of 4th April 94 [illegible] the nothing [illegible] Rule 23 [illegible] and dwelling house [illegible] must always be denoted with [illegible] the duties of an agriculturist or a farmer [illegible] 12/11/94

that we have the right
as a matter of grace,
but we won't take away
that right by a mere stroke
of pen? It is true we
have power to modify
our Rules, but we must
so modify as not to affect
the rights already acquired.
So far as this aspect
of the question is concerned.
As regards future Rules,
I very seriously doubt
whether it is a good thing
to prevent ourselves from
improving them
our Rules daily, because
we may have to pay an
enhanced price some day
hereafter, when we may
require it to be done,
it is a serious thing and
even unjust to interfere
with the acquired rights
of others for a future
interest; and in my
opinion is unadvisable,

4

3. We have already interpreted the paras. 3 and 4 of section [illegible] of the Land Revenue Rules section 65 of the Land Revenue Code as allowing a ryot to build a house on his land whether for agricultural purposes or otherwise and no sanction is called for. We have not held that we have the privilege as a matter of grace, but we held that it was within the meaning of the Regulation. Can we now turn round and say that it is not within the meaning of the Regulation so far as lands situated within the limits of a Station are concerned? Certainly we cannot say that so far as those lands are concerned the Regulation means one thing, and as regards other lands it means a different thing. Reflecting

But it was a matter of grave importance we should have stated — Courts must interpret the Regulations but not give directions.

I think we can. What is wished is not a definition but a direction on the part of the Revenue Board to the subordinate officers

XX

Govt. Pro

After Para 6 Rule XXIII

insert the following as Para 6A

The Preceding rules contained in Paras 3, 4, 5 & 6 shall not apply to lands situated within half a mile of the boundary of any Railway station In these cases, the provisions of Sections 63 & 64 thereof shall be strictly enforced when an application is made for the appropriation of any lands within the limits above specified, for non agricultural purposes, the Dy. Com. shall, in the exercise of the discretion by him under Para 6 (c) of Sec 48 of the Land Revenue Code

9

Is not unconstitutional,
there need be no modification
to Section Thirteen at all
a modification, as so
I think too, therefore
I do not agree with the
policy or justice of
the modification

13/10/94

Sinéad Ní Shúilleabháin
Minister

Rule XX

After Para 7 inserting

the following as Para 7A

"Within ~~half a~~ mile of the bounds of

any Railway station, no

unoccupied Govt land

shall be given for

private occupation of

any kind without the

previous sanction of

Govt in each individual

case"

Ref

13/10/94

Shall then a Dewan

before visiting — hear

J. Chelyan thanks that ~~the~~

para 3 of Rule XXIII as

read inconsistent with the

Modifications we are

now making — If at

(14)

Section
File No
Serial No

2. When an applicat is made for the appropriat of any land within the limits above specifie for non-agricultural pu poses, the Dy: Commr Should obtain the previ Sanction of Government before granting it or imp posing any assessment under clauses (b) & (c) of Section 48 of the Land Rev: Code".

2. After para 7 of Land Rev Rule XX insert the following as para 7A:—

"7A. Within half a mile of the boundary of any Railway station, no unoccupied Government land shall be given for private occupation of any kind without the previous Sanction of Govt in each individual case".

11/12/44

To the Dy: Commrs of Dists.
" Supdt of Rev: Surveys
" Mgr B.G. Publications, Sub. Depot on Spl Duty.
" Compiler, Mysore Gazette

For publication of the Notification in the Mysore Gazette

11/12/44.

Chief Secretary

Strictly confidential

Orders —

9626-35
R 4215-92

Section
File No
Serial No

35-
9626-
R 4215-92

The Govt of H. H the Maharaja of Mysore resolve to issue the following ~~Notification~~

## Notification

The Govt of H. H. the Maharaja of Mysore direct that the following be inserted as para 6A :-

~~Of Rule XXIII of the Rules under the Mysore Land Revenue Code~~ —

"6A. The preceding rules contained in paras 3, 4, 5 and 6 shall not apply to Lands Situated within half a mile of the boundary of any Railway Station. In these cases the provisions of Sections 63 and 64 should be strictly enforced.

W Cohen

Land Rev
after para 6 Rule XXIII

(58)

*Proceedings of the Government of His Highness the Maharaja of Mysore (Revenue),—dated 11th December 189*

No. 9626-35—R. F. 215-92, DATED, BANGALORE, 11TH DECEMBER 1894.

ORDER.—The Government of His Highness the Maharaja of Mysore resolve to issue the following :—

NOTIFICATION.

*11th December* 1894.

**No. 9636—R. F. 215-92,**—The Government of His Highness the Maharaja of Mysore direct that after para 6 of Land Revenue Rule XXIII the following be inserted as para 6 A :—

"6 A. The preceding rules contained in paras 3, 4, 5 and 6 shall not apply to lands situated within half a mile of the boundary of any Railway station. In these cases the provisions of Sections 63 and 64 should be strictly enforced.

When an application is made for the appropriation of any land within the limits above specified, for non-agricultural purposes, the Deputy Commissioner should obtain the previous sanction of Government before granting it or imposing any assessment under clauses (*b*) and (*c*) of Section 48 of the Land Revenue Code."

2. After para 7 of Land Revenue Rule XX insert the following as para 7 A :—

"7 A. Within half a mile of the boundary of any Railway station, no unoccupied Government land shall be given for private occupation of any kind without the previous sanction of Government in each individual case."

T. ANANDA ROW,
*Chief Secretary.*

To—The Deputy Commissioners of Districts.
The Superintendent of Revenue Survey in Mysore.
Mr. B. G. Krishnaiengar, Sub-Division Officer on Special Duty.
The Compilers Mysore Gazette, for publication of the Notification

Exd—A.N.S.

1894-95

# GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

*Dated 11th December* 1894.

No. 9626-35
R. F. 215-92

Issuing a Notification regarding the disposal of applications for the appropriation of land for non-agricultural purposes and for the grant of unoccupied Government land within half a mile of the boundary of any Railway station.

M.G.C.P.,B.—15-12-94—120